

**IN THE UNITED STATES DISTRICT COURT FOR THE MIDDLE
DISTRICT OF ALABAMA, NORTHERN DIVISION**

ARZELL WILKERSON,

Plaintiff,

VS.

CAPITAL ONE,

Defendant.

CIVIL ACTION NO.

2:05 CV 1192-W

UNOPPOSED MOTION TO EXTEND DEADLINES
AND MOTION FOR LEAVE TO FILE A THIRD PARTY COMPLAINT

COMES NOW the Defendant identified as Capital One and files this Unopposed Motion to Extend Deadlines and Motion for Leave to File a Third Party Complaint and as grounds therefore state as follows:

1. The Plaintiff has alleged that a Capital One credit card was fraudulently opened in her name.
2. Capital One has issued multiple third party subpoenas in an effort to collect necessary documents and to fully evaluate this case.
3. Responses to Capital One's subpoenas are incomplete and overdue, and Capital One has been in contact with the recipients in an effort to ensure complete responses.
4. The parties require complete sets of documents in order to take depositions in this case.

5. In addition to the need for a complete set of documents and depositions, Capital One may be required to retain a handwriting expert to evaluate the records in this case.

6. Based on the foregoing, Capital One is seeking additional time and the Court's permission to file a third-party complaint against Plaintiff's son who may be liable for the expenses incurred on the account, and whose addition to this suit significantly increases the likelihood of settlement between Plaintiff and Defendant.

7. The parties have discussed settlement in this case and believe that the case may be resolved short of trial.

8. Counsel for the Plaintiff does not oppose this motion.

WHEREFORE, Capital One request that it be granted leave to file a third-party complaint in this case and that all deadlines in this case be extended by an additional ninety (90) days to facilitate the prosecution of this case.

Respectfully submitted,

s/ Ramsey Duck

RIK S. TOZZI Bar No. 7144-Z48R
Attorney for all Defendants (Defendant
Erroneously identified in the original
Complaint as Capital One and the
Defendant identified in the Amended
Complaint as Capital One Services, Inc.
and Capital One, FSB)
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CERTIFICATE OF SERVICE

I hereby certify that on January 12, 2007, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system which will send notification of such filing to the following:

Norman Hurst, Jr.
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s/ Ramsey Duck

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